

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 2:11-cr-000815-CCC
v. :
Jose Lopez-Rodriguez : ORDER FOR CONTINUANCE

This matter having come before the Court on the joint application of Paul W. Laymon, Trial Attorney, Narcotic and Dangerous Drug Section, Department of Justice, and defendant Jose Lopez-Rodriguez, by Kevin Carlucci, Esq., AFPD, for an order granting a continuance of the proceedings in the above-captioned matter for a period of 60 days to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, so that the parties may attempt to resolve the matter and thereby avoid a possible trial, and the defendant having consented to the continuance and waived his right to a speedy trial, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The parties desire additional time to continue to negotiate a plea agreement, which if successful would render a trial in this matter unnecessary;

(2) Defendant Lopez-Rodriguez's co-defendant, who was in custody in the Southern District of California awaiting

disposition of his identity hearing and transportation to the District of New Jersey, and who arrived in the District of New Jersey on February 6, 2012, and initially appeared on February 8, and pursuant to Title 18, United States Code, Section 3161(h)(6), a reasonable period of delay is permitted when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted; see also, Title 18, United States Code, Section 3161(h)(1)(E) and (F), excluding delay attributable to removal or transportation of any defendant; and,

(3) Pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial,

IT IS, therefore, on this 20th day of March, 2012,

ORDERED that this action be and hereby is continued for a period of 60 days from the date of this Order; and it is further

ORDERED that the period of 60 days from the date of this Order shall be excluded in computing time under the Speedy Trial Act of 1974.

Claire C. Cecchi

HON. Claire M. Cecchi
United States District Court Judge

Form and entry consented to:

Paul W. Laymon
Paul W. Laymon, Trial Attorney

Kevin Carlucci
Kevin Carlucci, Esq., AFPD
Counsel for defendant